

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THADDEUS JIMINEZ,

**Plaintiff(s),**

V.

CITY OF CHICAGO, et al.,

Defendant(s).

NO. C10-459MJP

ORDER ON MOTION DIRECTING  
THIRD PARTY CAROLYN NIELSEN  
TO PRESERVE DOCUMENTS

The above-entitled Court, having received and reviewed

1. Police Officer Defendants' Motion for Order Directing Third-Party Carolyn Nielsen to Preserve Documents (Dkt. No. 1)
  2. Response of Third Party Carolyn Nielsen to Motion of Police Officer Defendants for Order to Preserve Documents (Dkt. No. 3)
  3. Police Officer Defendants' Reply in Further Support of Their Motion for A Court Order Directing Third-Party Carolyn Nielsen to Preserve Documents (Dkt. No. 4)
  4. Third Party Carolyn Nielsen's Surreply and Request to Strike Police Officer Defendants' Reply in Support of Motion for Order to Preserve Documents (Dkt. No. 5)

and all attached declarations and exhibits, makes the following ruling:

IT IS ORDERED that Defendants' motion is PARTIALLY GRANTED and PARTIALLY DENIED: Third-Party Carolyn Nielsen is ordered to preserve all documents responsive to Defendants' subpoena *duces tecum* served on Ms. Nielsen on March 11, 2010, but will not be ordered to produce them in accordance with the subpoena until she has had an opportunity to exercise her right to challenge the subpoena if she chooses.

1 IT IS FURTHER ORDERED that third-party Nielsen's motion to strike Defendants' Reply in  
2 Further Support of Their Motion for a Court Order Directing Third-Party Carolyn Nielsen to Preserve  
3 Documents is GRANTED.

4 Defendants' motion was noted for March 18, 2010. Dkt. No. 1, p. 1. The Local Rules require  
5 that any reply brief must be filed "no later than the noting date." CR 7(d)(2), (3). The Court's law  
6 clerk, in a conversation with an assistant for Defendants' counsel, improperly authorized the filing of  
7 a reply on March 22. The Court's staff is not empowered to waive the Local Rules and the reply  
8 brief should never have been permitted. It will be stricken and the ruling will issue on the basis of  
9 the original motion and Third-Party Nielsen's response.

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11 The clerk is ordered to provide copies of this order to all counsel.

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Dated: March 24, 2010

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Marsha J. Pechman  
U.S. District Judge

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